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AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 55 FR 7652, Mar. 2, 1990, unless otherwise noted.

**3522.000 Scope of part.**

This part prescribes—

(a) Labor laws of the United States and their application to acquisitions conducted by the Panama Canal Commission; and

(b) Contracting policy and procedures for the implementation of pertinent labor laws in contracts with United States and Panamanian business concerns. (See subpart 3525.8 for policies and procedures pertaining specifically to contracts with Panamanian business concerns or others to which Panamanian laws may apply.)

**Subpart 3522.1—Basic Labor  
Policies**

**3522.100 Scope of subpart.**

The provisions of FAR subpart 22.1 shall apply specifically to contracts with United States business concerns to the extent prescribed throughout FAR part 22.

**3522.103 Overtime.**

**3522.103–4 Approvals.**

(a) Overtime requests by contractors may be approved under the conditions contemplated in FAR 22.103–4(a). Such approvals are required under cost-reimbursement, time-and-materials, and labor-hour contracts since such contracts place substantial cost risk on the Government.

(b) The Commission officials for approval of contractor requests for overtime in cost-reimbursement contracts as contemplated in FAR 22.103–4 (a), (b), and (f) are the cognizant Heads of Contracting Activities.

**Subpart 3522.2—Convict Labor**

**3522.270 Applicability.**

As indicated at FAR 22.202, the policies and procedures in FAR subpart 22.2 are applicable only to contracts which are to be performed within any State,

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the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands. The policies and procedures do not apply to contracts which are to be performed within the Republic of Panama or within any other foreign country.

### **Subpart 3522.3—Contract Work Hours and Safety Standards Act**

#### **3522.370 Applicability.**

As indicated at FAR 22.305, the policies and procedures in FAR subpart 22.3 shall not be applied to contracts to be performed solely within the Republic of Panama, other foreign countries, or within a territory under United States jurisdiction other than a State, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331), American Samoa, Guam, Wake Island, and Johnston Island.

### **Subpart 3522.4—Labor Standards for Contracts Involving Construction**

#### **3522.402 Applicability.**

(c) *Contracts to be performed outside the United States.* As indicated by paragraphs (a) through (d) at FAR 22.407, the requirements of FAR subpart 22.4 do not apply to contracts for construction to be performed within the Republic of Panama or within any other foreign country.

### **Subpart 3522.6—Walsh-Healey Public Contracts Act**

#### **3522.603 Applicability.**

As indicated at FAR 22.603 and FAR 22.604-2, the requirements and procedures of FAR subpart 22.6 and this subpart 3522.6 do not apply to contracts for supplies that are manufactured in the Republic of Panama or elsewhere outside the United States, Puerto Rico or the Virgin Islands.

#### **3522.608 Procedures.**

##### **3522.608-3 Protests against eligibility.**

The contracting officer shall forward the determination of eligibility, after concurrence by legal counsel, to the cognizant Head of Contracting Activity (HCA) for referral to the Department of Labor (DOL) or to the Small Business Administration if the offeror is a small business.

##### **3522.608-4 Award pending final determination.**

(a) If an offeror's eligibility case is pending review by the DOL or SBA, the contracting officer shall obtain the concurrence of legal counsel and approval of the cognizant HCA prior to making an award.

##### **3522.608-6 Postaward.**

(c) In the event of a violation of a stipulation required under the Act, the contracting officer shall, with concurrence by legal counsel and approval by the cognizant HCA, notify the appropriate regional office of the DOL.

### **Subpart 3522.8—Equal Employment Opportunity**

#### **3522.803 Responsibilities.**

(d) If the applicability of Executive Order 11246 and implementing regulations are questioned by any commercial firm or other entity with whom the Panama Canal Commission has contracted or contemplates contracting, the contracting officer shall route the matter to the cognizant HCA, who shall obtain the opinion of legal counsel.

#### **3522.804 Affirmative action programs.**

##### **3522.804-2 Construction.**

(b) The HCA having construction contract responsibility shall maintain and distribute a current list of geographical areas subject to affirmative action requirements to the principally affected contracting officers. The list may be obtained from the regional Office of Federal Contract Compliance Policy (OFCCP).

## **3522.805**

### **3522.805 Procedures.**

(a) The contracting officer shall obtain a preaward clearance as required by FAR 22.805(a) (2), (3), and (5). Where, as contemplated in FAR 22.805(a)(7), there exists a potential delay in award of an urgent and critical contract, and where the OFCCP advises of its inability to timely complete the review, a written justification for award shall be forwarded to the cognizant HCA for approval of award without preaward clearance.

(b) The contracting officer shall obtain and maintain an adequate supply of the posters entitled "Equal Opportunity is the Law" for distribution to contractors when applicable.

### **3522.807 Exemptions.**

(b) Panama Canal Commission contracts are exempt from the Equal Employment Opportunity provisions of Executive Order 11246 to the extent that work is performed outside the United States by employees who were not recruited within the United States. (See FAR 22.801 for the meaning of "United States" as used herein.)

(c) Requests for exemption pursuant to FAR 22.807(c) shall be submitted to the Director, OFCCP, through the cognizant HCA.

### **3522.808 Complaints.**

Information regarding all complaints and subsequent referrals shall be forwarded to the cognizant HCA.

### **3522.809 Enforcement.**

The Procurement Executive is designated to make the determinations that may be exercised against contractors pursuant to FAR 22.809.

### **3522.810 Solicitation provisions and contract clauses.**

All solicitation provisions and contract clauses prescribed in FAR 22.810 are applicable to contracts awarded by the Panama Canal Commission unless an exemption exists or has been obtained in accordance with FAR 22.807 and 3522.807.

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### **Subpart 3522.10—Service Contract Act of 1965, as Amended**

#### **3522.1003 Applicability.**

As indicated at FAR 22.1003-2, the policies and procedures in FAR subpart 22.10 do not apply to service contracts to be performed in the Republic of Panama or elsewhere outside the United States. (See FAR 22.1001 for the meaning of "United States" as used herein.)

### **Subpart 3522.13—Special Disabled and Vietnam Era Veterans**

#### **3522.1302 Applicability.**

Panama Canal Commission contracts are exempt from the provisions of the Vietnam Era Veterans Readjustment Assistance Act of 1972 to the extent that the work is performed outside the United States by employees who were not recruited in the United States. (See FAR 22.1308(a)(1) for the meaning of "United States" as used herein.)

#### **3522.1303 Waivers.**

(a) The Administrator of the Panama Canal Commission is the "agency head" or the "head of a civilian agency" for purposes of the provisions of FAR 22.1303 (a) and (b)(1), respectively.

(c) Requests for waivers shall be forwarded to the cognizant HCA for referral to the administrator for approval.

#### **3522.1306 Complaint procedures.**

The contracting officer shall forward written complaints to the cognizant HCA for subsequent referral to the Director, OFCCP.

### **Subpart 3522.14—Employment of the Handicapped**

#### **3522.1402 Applicability.**

(a) Panama Canal Commission contracts are exempt from the Rehabilitation Act of 1973 to the extent that the work is performed outside the United States by employees who were not recruited within the United States. (See FAR 22.1408(a)(1) for the meaning of "United States" as used herein.)

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### **3522.1403 Waivers.**

(a) The Administrator of the Panama Canal Commission is the “agency head” or the “head of a civilian agency” for purposes of the provisions of FAR 22.1403 (a) and (b)(1), respectively.

(c) Requests for waivers shall be forwarded through the cognizant HCA to the Administrator for approval.

### **3522.1406 Complaint procedures.**

Complaints regarding administration of the Act shall be forwarded to the cognizant HCA prior to submission to the OFCCP.

## **PART 3524—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION**

### **Subpart 3524.1—Protection of Individual Privacy**

Sec.

3524.102 General.

### **Subpart 3524.2—Freedom of Information Act**

3524.270 Procedures.

AUTHORITY: 40 U.S.C. 486(c).

### **Subpart 3524.1—Protection of Individual Privacy**

#### **3524.102 General.**

Personal information obtained by the agency to be used in determining an individual’s right to a benefit, or to otherwise incur an obligation, will be solicited directly from the subject of the record to the extent practicable. The system manager responsible for the maintenance and dissemination of personal information about individuals shall ensure that the information is collected and disclosed in compliance with the provisions of the Privacy Act of 1974 and part 10 of 35 CFR, this agency’s regulations implementing the Act.

[55 FR 7653, Mar. 2, 1990]

### **Subpart 3524.2—Freedom of Information Act**

#### **3524.270 Procedures.**

Freedom of Information Act (FOIA) requests for contractual information

shall be processed in accordance with part 9 of 35 CFR.

(a) Upon receipt, all FOIA requests shall be forwarded immediately to the Agency Records Officer (Chief, Administrative Services Division) for acknowledgment and processing within the statutory time limitations as stipulated in the Act.

(b) Prior to release of any contractual information to FOIA requesters, the Agency Records Officer shall coordinate with other agency offices or officials having a substantial subject matter interest.

[55 FR 7653, Mar. 2, 1990]

## **PART 3525—FOREIGN ACQUISITION**

Sec.

3525.000 Scope of part.

### **Subpart 3525.1—Buy American Act—Supplies**

3525.102 Policy.

### **Subpart 3525.2—Buy American Act—Construction Materials**

3525.202 Policy.

### **Subpart 3525.3—Balance of Payments Program**

3525.300-70 Applicability.

3525.302 Policy.

### **Subpart 3525.4—Purchases Under the Trade Agreements Act of 1979**

3525.402 Policy.

### **Subpart 3525.670—Customs and Duties, Republic of Panama**

3525.670-1 Policy.

3525.670-2 Procedures.

### **Subpart 3525.8—International Agreements and Coordination**

3525.801 International agreements.

3525.801-70 Language.

3525.801-71 Choice of law.

3525.801-72 Immunity.

3525.801-73 Designated contractors.

3525.801-74 Panamanian preference.

3525.801-75 Customary local business usage.

3525.801-76 Contract clauses.